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HIGH COURT OF CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. CJ

W.P. (C) No. 4915 of 2007

PETITIONER Jeevan Lal Patel Son of Shri Runha Patel, aged about 35 years, Resident of Village Suretha, Tahsil and Police Station Mungeli, district Bilaspur (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through : The Secretary, Department of Panchayat and Social Welfare, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector Bilaspur, District Bilaspur (C.G.)
3. The Sub Divisional Officer (Revenue), Mungeli, District Bilaspur (C.G.)
4. Rajkumari Soni Wife of Shri Narayan Prasad Soni, aged about 43 years, Resident of Mahamaya Ward, Mungeli, District Bilaspur (C.G.), Occupation Shiksha Karmi Grade -III

Writ Petition under Article 227 of the Constitution of India.

Present: Shri P.P. Sahu, counsel for the petitioner.
Shri V.V.S. Murthy, Dy. Advocate General for the State / respondents No. 1 to 3.
Shri Vijay K. Deshmukh, counsel for caveator.

ORAL ORDER
(Passed on 16th August, 2007)

This petition is directed against the order dated 29-09-2006 passed by respondent No. 3 whereby the petitioner was removed from the post of Sarpanch and also debarred from contesting the election for a period of six years. It has been contended on behalf of the petitioner that only one opportunity was given to file his statement and keeping in view the gravity of the punishment, the petitioner should have been given at least three opportunities. It has been further submitted that in the impugned order the enquiry of another case has been relied upon but neither the copy of the said report is given to the petitioner nor the petitioner had any information about the enquiry relied upon by the Disciplinary Authority. Learned Dy. Advocate General appearing for the State submits that an opportunity was afforded to the petitioner, however, the relevant documents relied upon by the authorities

could not be furnished to him. Shri Vinod K. Deshmukh, counsel for the respondent No. 4 also submits that the petitioner was afforded two opportunities to file his reply.

In these circumstances, I am of the considered opinion that one opportunity given to the petitioner was enough. However, in the light of above fact that the documents relied upon by the authorities were neither furnished nor shown to the petitioner and thus the principle of natural justice has been violated. Accordingly, the petition is allowed and the impugned order is set aside.

This petition has been decided with the consent of the parties.

Sd/-
Acting Chief Justice